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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,239	10/24/2005	Klaus Ludwig Christmann	W1.2112 PCT-US	3127

7590 04/29/2008  
Douglas R Hanscom  
Jones Tullar & Cooper  
P O Box 2266  
Eads Stations  
Arlington, VA 22202

EXAMINER
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WEISSMAN, JOSEPH M

ART UNIT	PAPER NUMBER
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4135

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,239	<b>Applicant(s)</b> CHRISTMANN ET AL.	
	<b>Examiner</b> Joseph M. Weissman	<b>Art Unit</b> 4135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 48-92 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 50 and 51 recite the limitation "said transfer cylinder". There is insufficient antecedent basis for this limitation in the claim. It is assumed by the examiner that the cylinder in reference to claim 48 is the transport cylinder.

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species as follow:

- Species I: Claim 48;
- Species II: Claims 52, 69 - 83, 87, and 88;
- Species III: Claims 56 - 58, 60, 61, 65 - 68, 84, 85, and 86;
- Species IV: Claims 49, 50, 51, 53, 54, 55, 59, 62 - 64, and 89 - 92;

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. Species II, claims 52, 69 - 83, 87, and 88, is drawn to a species of a web-fed rotary printing press comprising printing units adapted to print at least six axially arranged side-by-side printed pages on a web as shown in figures 2 and 8 - 11. Species III, claims 56 - 58, 60, 61, 65 - 68, 84, 85, and 86, is drawn to a species of a web-fed rotary printing press comprising of a folding apparatus adapted to fold a printed web as shown in figures 17 - 19. Species IV, claims 49, 50, 51, 53, 54, 55, 59, 62 - 64, and 89 - 92, is drawn to a species of a of a web-fed rotary printing press comprising a transport cylinder adapted to receive at least

seven printed web section lengths working with at least four cutters arranged one behind the other in a circumferential direction as shown in figures 20 ~ 24. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, species I is generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at

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the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

### ***Election/Restrictions***

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I: Claim 48

Species II: Claims 52, 69 - 83, 87, and 88

Species III: Claims 56 - 58, 60, 61, 65 - 68, 84, 85, and 86

Species IV: Claims 49, 50, 51, 53, 54, 55, 59, 62 - 64, and 89 - 92

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

The following claim is generic: 48.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The special technical feature of a web-fed rotary printing press where the claims of species II comprises web lengths corresponding to the length of a newspaper edge, first and second printing couples of transfer cylinders and forme cylinders with the transfer cylinder having a ratio of barrel length to diameter of 1 to 5.8 to 1 to 8.8,

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satellite cylinders with every first and second printing couple, transfer and forme cylinders having a circumference of at least two upright printed pages, transfer cylinders having at least three dressings arranged side-by-side in an axial direction, transfer cylinders having six dressings arranged in an axial direction and two dressings in a circumferential direction, nine cylinder satellite printing units, H-printing unit having four printing couples each including a transfer cylinder and forme cylinder, separate drive motors for each cylinder, transfer cylinders having a barrel length of between 1,850 mm and 2,400 mm, or transfer cylinders having a circumference of between 850 mm and 1,300 mm.

The special technical feature of a web-fed rotary printing press where the claims of species III comprises an inlet area and two individually driven traction roller pairs in the inlet area, an independent drive motor, a superstructure adapted to cut a web longitudinally into three partial webs, a folder roller and folder structure and folder apparatus having independent drive motors, a folder structure including first and second former groups positioned vertically spaced and at least one group of run-up rollers arranged upstream in the direction of web travel, or a first and second group of three side-by-side formers.

The special technical feature of a web-fed rotary printing press where the claims of species IV comprises a transport cylinder with at least seven pin needle strips arranged circumferentially, three web formers wherein three continuous webs can be conducted simultaneously, continuous webs with up to seventy-two layers are conducted, seven holding devices space circumferentially, a contact cylinder acting as a

thrust element and spur needles on the a transport cylinder, or first and second cutting cylinders spaced circumferentially of the transport cylinder.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Weissman whose telephone number is (571) 270-5301. The examiner can normally be reached on Monday through Friday, 7:30am to 5:00pm EST with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Brewster can be reached on (571) 272-1854. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. W./  
Examiner, Art Unit 4135

/William M. Brewster/  
Supervisory Patent Examiner, Art Unit 4135